

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11205 of 2004

Between:

Eddipalli Satyanrayana, S/o. Padaiah,
R/o. A. Gopavaram Village, Ganapavaram Mandal, West
Godavari District.

..... PETITIONER

AND

- 1 The Assistant Commissioner of Endowments West Godavari
District at Eluru.
- 2 Sri Venuigopalaswamy Temple, A. Gopavaram Village,
Ganapavarm Mandal,
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate Writ or direction declaring the action of the 1st respondent in not considering the representation dated 2-6-2004 exercising option for purchase of the land in R.S.No.90/5 admeasuring an extent of Ac.0.22 cents of A. Gopavaram Village, Ganapavaram Mandal, West Godavari District as illegal arbitrary and consequently direct the respondents not to dispossess the Writ Petitioner pending disposal of the representation dated 2-6-2004

Counsel for the Petitioner: Smt. G.JHANSI

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: Smt. Indrani (Standing Counsel)

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not disposing of the representation of the petitioner dated 02.06.2004, under which he sought for alienation of land in an extent of Ac.0.22 cents in R.S.No.90/5 of A.Gopavaram village, Ganapavaram Mandal, West Godavari District. According to the petitioner he is entitled for such relief in view of the provisions of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') read with the Rules framed in G.O.Ms.No.379 Revenue (Endowments I) dated 11.03.2003. According to the petitioner apart from the above land, he owns another extent of Ac.1.29 cents of land only and he is not having any other agricultural land and also not owning any residential property exceeding 200 square yards. Therefore, the petitioner is entitled for an order in terms of Rules framed in G.O.Ms.No.379. As the respondents sought to evict the petitioner from the schedule land, the petitioner has come up with the present writ petition and sought for a direction.

2. This Court, while ordering notice before admission directed the Standing Counsel Smt. Indrani to get instructions and ordered not to evict the petitioner from the said land.

3. As the petitioner is claiming to be a landless poor person in terms of the provisions of the Act and the Rules, the application made by the petitioner before the first respondent, who is competent in terms of the provisions of the Act and the Rules is under obligation to dispose of the said representation deciding the eligibility or otherwise of the petitioner for the benefit under those Rules.

4. Under the above circumstances, after hearing both sides, the writ petition is disposed of, directing the first respondent to dispose of the representation of the

petitioner dated 02.06.2004, expeditiously, preferably within a period of three months. Pending disposal of the said representation, the second respondent is directed not to dispossess the petitioner from the land in question.

5. The writ petition is accordingly disposed of with the above directions.

13.07.2004

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To

1 The Assistant Commissioner of Endowments West Godavari District at Eluru.

2 Two CCs to G.P. for Endowments, High Court of A.P. Buildings, Hyderabad (OUT)

3 Two CD Copies